

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

-----X
DAVID SILBERSTEIN,

Plaintiffs,

-against-

BEST BUY CO., INC.,

Defendants,
-----X

Civil Action No:
07 CIV.5778(JGK)

**NOTICE FOR
DISCOVERY AND
INSPECTION**

SIRS:

PLEASE TAKE NOTICE, that the plaintiff, DAVID SILBERSTEIN, represented by the undersigned supplemental combined demands made upon the defendant, that the Defendants, produce within twenty (20) days of this date pursuant to CPLR §3103(e) and §3120 and permit us to discover, inspect, copy and photograph at a mutually agreeable date and time, the following:

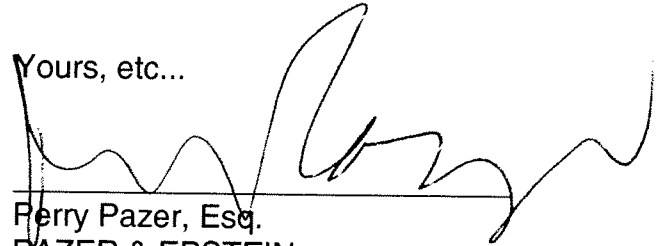
1. **Copies of advertisements for "Black Friday" sales at Best Buy-Queens at 88-01 Queens Boulevard, Elmhurst, NY placed in the Newsday and the Daily News for one week prior to November 24, 2007;**
2. **All sales records for Best Buy - 88-01 Queens Boulevard, Elmhurst, NY consummated from the opening of the store to 9:00 a.m. of that day to include time readings of sales.**

PLEASE TAKE FURTHER NOTICE, that the plaintiff plans to depose MARY ANN CLAPS as part of discovery following receipt of the requested documentation.

PLEASE TAKE FURTHER NOTICE, that the foregoing are continuing demands and if any of the above items are obtained after the date of this demand they are to be furnished to the undersigned pursuant to these demands.

Dated: New York, New York
December 28, 2007

Yours, etc...



Perry Pazer, Esq.
PAZER & EPSTEIN
Attorneys for Plaintiff(s)
20 Vesey Street
New York, New York 10007
(212) 227-1212

To: SIMMONS, JANNACE & STAGG, LLP
75 Jackson Avenue
Syosset, NY 11791

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss:

YVETTE MORA, being duly sworn, deposes and says:

That deponent is not a party to the action herein, is over the age of 18 and resides in New York County, New York.

That on the 28th day of December, 2007, deponent served the within:

NOTICE FOR DISCOVERY and INSPECTION

UPON:

SIMMONS, JANNACE & STAGG, LLP
75 Jackson Avenue
Syosset, NY 11791

the address designated by attorneys for that purpose by depositing a true copy of same enclosed in postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

Sworn to before me this
28th day of December, 2007

Notary Public


YVETTE MORA

PERRY PAZER
Notary Public, State of New York
No. 31-01PA3042475
Qualified in New York County
Commission Expires Feb. 28, 2010

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DAVID SILBERSTEIN,

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-against-

BEST BUY, CO., INC.,

Defendant.

NOTICE FOR DISCOVERY AND INSPECTION

PAZER & EPSTEIN, P.C.
Attorneys for Plaintiff(s)
20 Vesey Street, Suite 700
New York, NY 10007
(212) 227-1212

CERTIFICATION PURSUANT TO 22 N.Y.C.R.R. Sec. 130-1.1a

PERRY PAZER, ESQ., hereby certifies that, pursuant to 22 N.Y.C.R.R. Sec. 130-1.1a, all of the attached documents indicated above are not frivolous nor frivolously presented.

Dated: New York, New York
December 28, 2007


PERRY PAZER

PLEASE TAKE NOTICE

- ☐ Notice of Entry That the within is a true copy of an order entered in the office of the clerk of the within named court on
- ☐ Notice of Settlement That an Order of which the within is a true copy will be presented for settlement to the Hon. _____, one of the judges of the within named Court on _____ at

Dated: New York, New York
December 28, 2007

PAZER & EPSTEIN, P.C.
Attorneys for Plaintiff(s)
20 Vesey Street
New York, NY 10007
(212) 227-1212